IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 8503 of 2002

Between:

P.Bhagyanath, S/o. Fakeeriah,
TFT Licencee, Ekmai Village,
Basheerabad Mandal, Rangareddy District.

..... PETITIONER

AND

The Prohibition & Excise Superintendent,
Hyderabad, Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondent in not renewing the licence of the petitioner for excise year 2001-2003 without referring to PCR No. 489/2001-02 dt.22.1.2002 of SHO prohibition and Excise Station, Tandur as illegal and arbitrary and against the principles of natural justice and direct the Respondent to renew the licence of the petitioner forthe Excise year 2002-03 without referring to PCR No.489/2001-02 dt. 22.1.2002 of SHO prohibition & Excise Station, Tandur and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.VIJAY KUMAR HEROOR

Counsel for the Respondent: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

The petitioner was issued licence to vend toddy at Counter No.21, Ekmai Village, Basheerbad Mandal, Ranga Reddy District. The licence was extended from time to time till 31.03.2002. The Prohibition and Excise Sub Inspector, Tandur, registered a crime being PCR No.489/2001-02, dated 22.01.2002, on an allegation that the petitioner was in possession of packets of Chloral Hydrate. As a result thereof, a show cause notice was issued and the petitioner submitted explanation. Be that as it is, when the petitioner submitted an application for renewal of licence for the year 2002-2003, no orders were passed by the respondent, aggrieved by which, the petitioner is before this Court for redressal.

The petitioner's licence was valid only up to 31.03.2002 by a reason of the orders passed by the Government of Andhra pradesh in memo, dated 29.09.2001. After expiry of the licence, the petitioner had no right to seek renewal, unless and until, he complied with the conditions. When a crime was registered against him, that is a valid ground for not passing any orders on the application made by the petitioner for renewal.

This Court, therefore, does not find any merit in the writ petition and the same is dismissed. No costs.

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(V.V.S.RAO, J)

05.07.2005

vs

To

1 The Prohibition & Excise Superintendent,
Hyderabad, Ranga Reddy District.

2 Two CCs to the G.P for Prohibition and Excise, High Court of A.P., Hyderabad(O.U.T).

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